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Human rights situations that require the Council's attention

Joint written statement* submitted by Iraqi Development Organization, Americans for Democracy & Human Rights in Bahrain Inc, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

* Issued as received, in the language of submission only.



Peace Slips Further Away as Terms of Truce Remain Unfulfilled and the Yemeni People's Oil Revenue Continues to be Deposited in Foreign Bank Accounts and Misallocated Preventing its Use for Development

IDO, with Americans for Democracy & Human Rights in Bahrain and Arabian Rights Watch Association, take this opportunity at the 51st Session of the United Nations (U.N.) Human Rights Council to express our dismay about the terms of the truce since they are based on inherent rights that should not be the subject of any negotiations. The Saudi-led Coalition's ongoing imposition of unlawful unilateral coercive measures on the Yemeni population that come in the form of an unlawful blockade impedes practically all their rights enshrined in international human rights treaties and conventions, most notably the rights to life, security, food, health, education, development, and mobility. And while Yemen is experiencing the World's worst humanitarian crisis, Yemen's oil revenue continues to be deposited in foreign bank accounts and misallocated in a blatant violation of Yemen's sovereign rights and its right to development.

Unimplemented Truce Terms as Peace Slips Away

The continued detention and delay of oil ships destined to Yemen is an ongoing violation of the Yemeni people's rights to life, security, food, health, education, mobility, commerce and trade, and their right to development. In March 2015, a comprehensive aerial and naval blockade was imposed on food, medicine and fuel entering Yemen. By the end of 2016, about a 50% decline in food, medicine and fuel imports was recorded. The amount of food, medicine and fuel imports continued to decline throughout the years despite the establishment of the U.N. Verification and Inspection Mechanism (UNVIM) which was designed to enforce an arms embargo and facilitate the unimpeded flow of commercial goods and services to Yemeni ports. To this date, the UNVIM has not put an end to the prevention nor delay of food, medicine and fuel despite inspections and verifications that no weapons have been found since UNVIM became operational in May 2016. As it stood, by the end of 2021, only about 10% of civilian sector oil needs was allowed to enter Yemen. In March 2022, a truce was agreed to yet was not fully implemented despite its extension twice. Worse yet, the terms involved negotiating matters that the Yemeni people have an inherent right to including the right to life, security, food, health, education, mobility, commerce and their right to development. Keeping these inherent rights in mind, the terms that were supposed to be the initial steps that would lead to an end to the war and a political settlement, were not entirely implemented. Although 18 ships every two months were supposed to be given passage to the ports, this term was not implemented fully affecting critical civilian sectors and resulting in costly demurrage charges. Since the second extension of the truce on 2 August 2022, three ships have been detained despite being inspected, verified and licensed by the UNVIM, the most recent detention being Golden Eagle II on 17 August 2022. Although two flights per week to two destinations were agreed upon, flights were only allowed to one destination. Despite agreeing to opening the roads in Yemen for civilian mobility, the roads were not opened. Despite having agreed to a complete ceasefire, violations continued to occur throughout the truce period and although the ceasefire remains in place, it is extremely fragile. New terms were negotiated that relate to another right, particularly the right to employment but to this date, public sector salaries have not been paid for a variety of inexcusable reasons that serve to prolong these rights violations.

These unlawfully imposed measures directly cause mass suffering to civilians but have no direct bearing on the ability of the Sanaa forces to prosecute this particular war for any given period of time. This is especially critical since there is no possible military advantage that could justify these unlawful measures. Given the U.N. is tasked with promoting and protecting human rights and upholding international humanitarian law, matters involving purely humanitarian issues and human rights, such as the opening up of sea ports and airports and paying public sector salaries and pensions, should not be allowed to be treated as a negotiating card but rather demanded by the U.N. to be upheld, especially in crisis situations

where ongoing, large-scale, systematic rights violations are affecting an entire population of 30 million as in Yemen.

Yemen's Misallocated Oil Revenue and Right to Development

We have been increasingly receiving reports from local sources on the conduct of the Coalition with the respect to the oil sector in Yemen, conduct that directly violates the Yemeni people's rights to realize their full economic, social and cultural rights by benefiting from the resources within Yemen's territory. Not only has the Coalition neglected to maintain proper functioning pipelines that have caused massive environmental damage, the Coalition has been loading oil onto tankers for sale but have not used the proceeds for its traditional purposes of paying public sector salaries and shoring up the Yemeni Rial with sound monetary policies that support economic development. On the contrary, we have received and verified reports that proceeds are not getting deposited in the Central Bank of Yemen but instead getting deposited in foreign bank accounts and misallocated to the detriment of an entire nation.

These unlawful actions directly harm the Yemeni people causing a potential peace to continue to slip further and further away.

Recommendations

The U.N. Human Rights Council should prioritize the humanitarian objectives of lifting the blockade on Yemen's seaports and airports as a first step towards a comprehensive political solution and ceasefire where all foreign troops exit Yemen and halt their military operations. In this manner, the senseless suffering of civilians can be alleviated with immediate effect while evasive ceasefire and political negotiations take place between the parties involved. The continued blockade on air and sea ports, however, indicates that the Coalition opts to use civilian suffering as a card in its ceasefire and political negotiations in a futile yet tragic attempt at gaining an advantage that only results in civilian suffering. The reckless disregard for human life displayed by those imposing the blockade on Yemen's people have led to an urgent dire humanitarian situation the U.N. should no longer tolerate but instead demand that the inherent rights of the Yemeni people be upheld. We call on the Council to make a recommendation to the Security Council to consider a new resolution demanding an end to the war and its accompanying rights violations.

Arabian Rights Watch Association, NGO(s) without consultative status, also share the views expressed in this statement.

The Saudi Coalition Backed Hadi Government in De Facto Exile Is Responsible For Environmental Damage Occurring in the Southern Governorate of Shabwa Which is Under Its Sole Authority Resulting in Dangerous Impacts to the Right to Enjoy a Safe, Clean, Healthy and Sustainable Environment, Joint Written Statement to U.N. Human Rights Council during the 46th Regular Session, <http://www.arwarights.org/unhrc>